

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:24-CV-00752-FDW-SCR**

**REV TECH LABS, LLC, CAROLINAS
FINTECH VENTURES, LP,**

Plaintiffs,

v.

**CIRRUS SECURE, INC., FRIDESWIDE
SQUARE, INC., DAVID BROOKS,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiffs Rev Tech Labs, LLC’s and Carolinas Fintech Ventures, LP’s (“**Plaintiffs**”) Motion to Dismiss. (Doc. No. 15.) On August 16, 2024, Plaintiffs filed their Complaint. (Doc. No. 1.) On October 21, 2024, Defendants Cirrus Secure, Inc., Frideswide Square, Inc., and David Brooks (“**Defendants**”) filed their Answer and Counterclaim. (Doc. No. 11.) On November 12, 2024, Plaintiffs filed a Motion to Dismiss Defendants’ Counterclaim. (Doc. No. 15.) On November 26, 2024, the parties filed a Joint Stipulation for Defendants to file an Amended Counterclaim, which would moot Plaintiffs’ Motion to Dismiss. (Doc. No. 20.) Also on November 26, 2024, Defendants filed their Amended Counterclaim. (Doc. No. 21.)

An amended pleading generally supersedes the original pleading. Brown v. Sikora and Assocs., Inc., 311 F. App’x 568, 572 (4th Cir. 2008). “When a motion to dismiss is pending against a counterclaim that is later superseded by an amended counterclaim, that motion to dismiss is rendered moot.” JTH Tax, Inc. v. Williams, No. 2:18cv26, 2018 WL 10471107, at *2 (E.D. Va.

Apr. 4, 2018). Since Defendants filed an Amended Counterclaim, the pending Motion to Dismiss is rendered moot.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Dismiss Defendants' Counterclaim, (Doc. No. 15), is **DENIED as moot**.

IT IS SO ORDERED.

Signed: December 2, 2024

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

